IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2005

CORAM:

THE HONOURABLE MR.JUSTICE P.SATHASIVAM
and
THE HONOURABLE MR.JUSTICE S.K.KRISHNAN

W.P.No.2116 of 2003

G.Sethumadhavan .. Petitioner

versus

1. The Government of Tamil Nadu
   represented by the Collector
   Coimbatore District
   Coimbatore.

2. The Registrar
   Tamil Nadu Administrative Tribunal
   City Civil Court Buildings
   High Court Campus
   Chennai-104. .. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India for the issue of a writ of Certiorarified Mandamus calling for the records of the second respondent in relation to O.A.No.1339 of 1996 dated 7.11.2002 and in respect of the first respondent the proceedings made in reference to No.142963/95/T3 dated 13.12.1995 and in reference to No.142963/95 dated 30.1.1996, to quash the same and to issue a consequential direction to the first respondent to grant the petitioner the promotion upto the post of Block Development Officer from the date on which his immediate junior namely Thiru P.Swaminathan was promoted and to consequently pay the petitioner the monetary benefits.

For petitioner : Mr.R.Saseetharan

For 1st respondent : Mr.E.Sampath Kumar for R1.
Government Advocate

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ORDER

(Order of the Court was made by P.SATHASIVAM,J.)

Aggrieved by the order of the Tamil Nadu Administrative Tribunal dated 7.11.2002 made in O.A.No.1339 of 1996 dismissing his application seeking retrospective promotion to the post of Extension Officer, Panchayat Union, the petitioner has filed the above writ petition.

2. According to the petitioner, he was originally appointed as Grama Sevak, Grade II, which was re-designated as Rural Welfare Officer on 15.4.1960. He is a political sufferer as his father was a freedom fighter. The Rule issued in G.O.Ms.No.2462 dated 16.7.1956 prescribes qualification for the post of Grama Sevak Grade I and Grade II for direct recruitment as well as for promotion. He was promoted as Grama Sevak Grade I on 18.3.1975. He was eligible for further promotion to the posts of Manager, Extension Officer, Deputy Block Development Officer and Block Development Officer even from the year 1980. But he was not considered for further promotion only on the ground that he did not possess the minimum general educational qualification, namely, S.S.L.C. Inasmuch as he was granted exemption at the initial stage for appointment to the post of Grama Sevak Grade II and thereafter promoted as Grama Sevak Grade I (Rural Welfare Officer) and since the exemption once granted will also be available for further promotion such as Extension Officer, Manager, Deputy Block Development Officer and Block Development Officer, for which the academic qualification is S.S.L.C., he made number of representations, and as there was no response, he filed O.A.No.6292 of 1995 before the Administrative Tribunal, and by order dated 16.10.1995, a direction was issued for disposal of his representation. Finally, his request was rejected on 30.1.1996. Hence, he filed O.A.No.1339 of 1996 before the Administrative Tribunal. By the impugned order, the Tribunal, after finding that the applicant was lacking minimum qualification as prescribed, namely, a pass in S.S.L.C., dismissed his application. Hence the present writ petition.

3. Heard the learned counsel for the petitioner as well as learned Government Advocate for the first respondent.

4. It is not in dispute that when the petitioner was appointed as Grama Sevak Grade II by virtue of the fact that his father was a freedom fighter, relaxation was given in respect of educational qualification. The grievance of the petitioner is that from the post of Grama Sevak Grade I, he is eligible to be promoted as Extension Officer, Manager, Deputy Block Development Officer and Block Development Officer, as per the rules. It is not in dispute

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that the academic qualification for the above posts is a pass in S.S.L.C. It is the claim of the petitioner that since he was granted exemption at the time of initial appointment, he is eligible to be promoted irrespective of the required qualification for the promotion post namely, pass in S.S.L.C. In support of his claim, learned counsel relied on G.O.(3D) 8, Rural Development Department dated 15.6.1992. Paragraph 3 of that Government Order is pressed into service, which reads as under:

> "3. The question of relaxation of rule prescribed Minimum General Educational Qualification in respect of the personnel in the Tamil Nadu Ministerial Services in the Panchayat Development Unit, as on 7.6.'79 with effect from single service Rules have come into force, has been re-examined by the Government in the light of the directions of the Tamilnadu Administrative Tribunal in its judgement mentioned above. The Government have decided to issue orders in accordance with the directions of the Tamilnadu Administrative Tribunal. The Government accordingly direct that protection should be given to the persons who did not possess Minimum General Educational Qualification for further promotion in respect of those who were in service as on 1.6.'79 not only to those holding the post of Rural Welfare Officer but also to the personnel in the Panchayat Development Units borne on Tamil Nadu Ministerial Service. "

5. It is not in dispute that the Government had not passed any specific order relaxing the educational qualification in respect of the petitioner when he claimed for promotion as Extension Officer, Manager, Deputy Block Development Officer, Block Development Officer, etc. The particulars furnished by the Collector, Coimbatore, in his counter affidavit shows that there were no relevant entries in the service register though he was directed to submit

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copies of such proceedings, if any. The information furnished by the Collector shows that, admittedly the Government had not granted exemption, particularly the minimum educational qualification for the promotion posts of Extension Officer, Manager, Deputy Block Development Officer and Block Development Officer. On going through the Government Order referred above and the various other orders, we are of the view that though the petitioner was granted relaxation in respect of educational qualification at the entry level, as rightly stated in the counter affidavit by the Collector, Coimbatore and

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observed by the learned Tribunal, in the absence of specific order granting exemption for educational qualification for the promotion post, we are of the view that the petitioner is not entitled to take advantage of the Government Order referred above. Further, it is not in dispute that the petitioner is not in service and had retired long ago. Taking note of all these aspects and in the light of the points discussed above, we are in agreement with the conclusion arrived at by the Tribunal and unable to accept the stand taken by the petitioner.

The writ petition fails and the same is dismissed. No costs.

10.11.2005

ksv

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To:

1. The Collector
   Coimbatore District
   Coimbatore.

2. The Registrar
   Tamil Nadu Administrative Tribunal
   City Civil Court Buildings
   High Court Campus
   Chennai-104.

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